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February 16, 2011

Mr. Al Chapman  
**State of North Carolina**  
**Department of Environment and Natural Resources**  
**Division of Waste Management, Superfund Section**  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605

**RE: Risk Management Plan**  
Martinizing Cleaners  
4246 Northwest Cary Parkway  
Cary, Wake County, North Carolina  
ATC Project No. 45.34341.9241  
DSCA Site Identification No. 92-0041

Dear Mr. Chapman:

ATC Associates of North Carolina, P.C. (ATC) is pleased to submit the enclosed Risk Management Plan (RMP) for the above referenced site. The results of a previous Tier 1 Risk Assessment indicated that contaminant concentrations at the site do not pose an unacceptable risk. Recent indoor air sampling also confirmed the conclusions in the Tier 1. The primary purpose of this RMP is to ensure that the assumptions made during the risk assessment remain valid in the future. Based on the documentation outlined in this report, ATC recommends issuance of a No Further Action letter for the site.

If you have questions or require additional information, please do not hesitate to contact Genna Olson at (919) 871-0999.

Sincerely,  
**ATC Associates of North Carolina, P.C.**

A handwritten signature in blue ink, appearing to read 'Nick Shore'.

Nick Shore  
Staff Scientist

A handwritten signature in blue ink, appearing to read 'Genna K. Olson'.

Genna K. Olson, P.G.  
Program Manager

Enclosure: Risk Management Plan

**RISK MANAGEMENT PLAN  
MARTINIZING CLEANERS  
4246 NORTHWEST CARY PARKWAY  
CARY, WAKE COUNTY, NORTH CAROLINA  
ATC PROJECT NO. 45.34341.9241  
DSCA SITE IDENTIFICATION NO. 92-0041  
FEBRUARY 16, 2011**

**Risk Management Plan**  
**Martinizing Cleaners**  
4246 Northwest Cary Parkway  
Cary, Wake County, North Carolina  
ATC Project No. 45.34341.9241  
DSCA Site Identification No. 92-0041

**Prepared By:**

  
\_\_\_\_\_  
Nick Shore  
Staff Scientist

**Submitted To:**

**North Carolina Department of Environment  
and Natural Resources**  
**Division of Waste Management**  
**Superfund Section – DSCA Program**  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605

  
\_\_\_\_\_  
Genna K. Olson, P.G.  
Program Manager  
N.C. Professional Geologist #1660

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February 16, 2011

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## APPENDICES

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## **1.0 INTRODUCTION**

ATC Associates of North Carolina, P.C. (ATC) has prepared this Risk Management Plan (RMP) for the Martinizing Cleaners site on behalf of the North Carolina Department of Environment and Natural Resources (NCDENR) Dry-cleaning Solvent Cleanup Act (DSCA) Program. The site is located at 4246 Northwest Cary Parkway in Cary, Wake County, North Carolina. This RMP is intended to comply with the requirements of the DSCA (N.C.G.S. 143-215.104A *et seqs*) and promulgated rules and follows the outline provided in the DSCA Program's risk-based corrective action (RBCA) guidance.

## **2.0 OBJECTIVES OF RMP**

ATC completed assessment activities at the site which indicated that tetrachloroethylene (PCE) and trichloroethylene (TCE) are present in soil above unrestricted land use standards and PCE is present in groundwater above Title 15A NCAC 2L .0202 Groundwater Standards (2L Standards) on the site property. ATC completed a Tier 1 Risk Assessment for the Martinizing Cleaners site on January 31, 2011. The results of the Risk Assessment indicated that there are on-site risks that do exceed target risk levels. However, the risks will be managed based on site-specific land use conditions that have been selected as part of the evaluation and which require an RMP. Thus, the objective of the RMP is to ensure that those site-specific land use conditions remain valid in the future.

## **3.0 SUMMARY OF APPROVED RISK ASSESSMENT REPORT**

Based on soil and groundwater impacts above unrestricted use standards, ATC completed a Tier 1 Risk Assessment report for the site on January 31, 2011. This section summarizes the final risk assessment, which resulted in the recommendation for no further action status for the site and apartment complex property.

The Tier 1 completed by ATC on January 31, 2011, included a development of an exposure model, calculation of site-specific representative concentrations (RCs) for each exposure domain, and comparison of Tier 1 Risk-Based Screening Levels (RBSLs) with the RCs. Two

exposure units were assigned, one “on-site unit” encompassing the area in the immediate vicinity of the former dry-cleaning tenant space (approximate 25-foot radius around the space) and an “off-site unit” encompassing the remainder of the plume. Note that both the on-site and off-site units are located at the site property and the plume does not appear to extend beyond the property boundaries. The exposure model evaluation indicated the following complete exposure pathways for the site:

- On-site non-residential worker – surficial soil combined pathway, indoor inhalation of vapors from subsurface soil and groundwater, and outdoor inhalation of vapors from groundwater.
- On-site construction worker – combined pathway for soil up to depth of construction and outdoor inhalation of vapors from groundwater.
- Off-site non-residential worker – surficial soil combined pathway, indoor inhalation of vapors from subsurface soil and groundwater, and outdoor inhalation of vapors from subsurface soil and groundwater.
- Off-site construction worker - combined pathways for soil up to depth of construction and outdoor inhalation of vapors from groundwater.

In addition to the above referenced pathways, ATC also evaluated the Protection of Groundwater Use pathway. For this pathway, ATC assumed that the nearest potential point-of-exposure (POE) for groundwater use was at the downgradient property boundary, which is located approximately 85 feet from the source area. Note that the Protection of Surface Water pathway was not deemed a significant concern due to the small size of the plume and distance to the nearest surface water body (750 feet). The results of the Tier 1 indicated that the RCs for the complete exposure pathways do not exceed Tier 1 RBSLs.

Per the DSCA Program’s Policy to Evaluate Indoor Air at Perchloroethylene (PCE) DSCA Sites, ATC also completed indoor air sampling at the site to confirm whether the indoor inhalation of vapor emissions pathway poses a risk. The results of the sampling indicated that indoor air concentrations do not pose an unacceptable risk in accordance with the DSCA Program’s indoor air risk evaluation process.

Note that the Risk Assessment was focused on evaluation of indoor inhalation pathways for existing buildings. However, additional evaluation may be warranted if future buildings are constructed or significant construction renovations are performed. To address the potential for vapor intrusion into future structures, ATC recommends a LUR for the site specifying that no activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the site property without prior approval of NCDENR.

The Tier 1 Risk Assessment concluded that the risks associated with the contamination could be managed through implementation of land-use restrictions (LURs) for the site property. Therefore, the Risk Assessment recommended risk-based closure for the site. LURs proposed for the site are discussed in Section 6.0.

## **4.0 RAP COMPONENTS**

### **4.1 Summary of Prior Assessment and Interim Actions**

Mid Atlantic Associates (Mid Atlantic) completed a Report of Limited Assessment Activities dated July 28, 2008. One hand auger boring (HA-1) was advanced inside the building and PCE was detected in the soil. On August 22, 2008, Martinizing Cleaners was accepted as a petitioner into the DSCA Program. During the same time period, the dry-cleaning equipment was removed from the site to facilitate reoccupancy of the tenant space by Le Farm, a neighboring business.

In September 2008, ATC advanced 15 soil borings (SB-1 through SB-15) inside and outside of the building. Soil and groundwater samples were collected to evaluate the extent of impacts. Based on the soil analytical data, ATC then oversaw excavation of contaminated soil inside the building in the vicinity of the former dry-cleaning machine and solvent storage areas. The tenant space was reoccupied by Le Farm shortly after completion of the interior soil excavation. In October 2008, ATC installed three monitoring wells (MW-1 through MW-3) and conducted a groundwater sampling event. Confirmatory groundwater samples were again collected in November 2008. The groundwater assessment indicated low level impacts in the source area,

but the plume appeared delineated in the downgradient direction and confined to the site property. On February 20, 2009, ATC submitted an Assessment Report to the NC DSCA Program documenting the plume delineation and soil excavation activities.

ATC completed two additional quarterly monitoring events at the site in February and May 2009 to evaluate whether the contaminant plume was stable. PCE was intermittently detected in source area monitoring well MW-1 concentrations above the 2L Standard. However, the detections were low and did not exhibit an increasing trend. In addition, no exceedences of 2L Standards were identified for downgradient wells MW-2 and MW-3. As such, ATC concluded that the plume was stable. The results of the monitoring events were documented in a Groundwater Monitoring Report dated June 12, 2009.

In January 2010, ATC completed indoor air sampling in the former dry-cleaning tenant space. This tenant space is currently occupied by Le Farm Bakery. The results of the sampling indicated detectable concentrations of PCE and/or TCE in the indoor air samples. An evaluation of the cumulative risk posed by the indoor air concentrations was conducted in accordance with the DSCA Program's indoor air risk evaluation process. The results of the evaluation indicated a cumulative carcinogenic risk of less than  $1 \times 10^{-6}$  and a hazard index of less than 1, which are considered acceptable. The results of the sampling and risk evaluation were documented in an Air Sampling Report dated May 19, 2010.

A Risk Assessment Report was completed for the site on January 31, 2011. As previously discussed, the results of the risk assessment did not indicate exceedences of Tier 1 RBSLs for the complete exposure pathways. As such, the residual on-site contamination can be managed through LURs as detailed in this RMP.

## **4.2 Remedial Action**

According to the DSCA Program's RBCA guidance, no remedial action is necessary if four site conditions are met. Each of these conditions and their applicability to the subject site are addressed below.

*Condition 1: The dissolved plume is stable or decreasing.*

Periodic groundwater monitoring has been conducted at the site since October 2008. A total of four groundwater sampling events have been conducted for monitoring wells MW-1 through MW-3. (Note that MW-2 was dry during the first monitoring event.) Constituents of concern (COCs) detected at the site historically include 1,2-dichloroethane, acetone, chloroform, chloromethane, cis-1,2-dichloroethylene, ethylbenzene, methylene chloride, naphthalene, PCE, TCE, and total xylenes. Of these constituents, only PCE and chloromethane have been detected at concentrations exceeding 2L Standards. Chloromethane was detected during only one sampling event and is not a typical dry-cleaning solvent constituent. As such, ATC focused on PCE for the plume stability evaluation.

ATC prepared concentration versus time and concentration versus distance graphs for sampling events conducted at the site for PCE. The graphs also show unrestricted use standards (i.e. 2L Standards) and Tier 1 RBSLs protective of groundwater use at the property boundary (i.e. concentrations modeled to be acceptable in the source area with no exceedences of 2L Standards at the property boundary). The graphs confirm that PCE concentrations in the source area exhibit a decreasing trend and that concentrations reduce to below 2L Standards downgradient of the source area.

The graphs do show one exceedence of Tier 1 RBSLs for well MW-1 during the first sampling event for this well. However, ATC does not consider this a significant concern for several reasons. Most importantly, analytical data collected from wells further downgradient confirm that the PCE plume does not extend beyond the property boundary. As such, the model predictions appear overly conservative and the analytical data confirm that the plume is confined to the site property. In addition, if a representative concentration is calculated for PCE in MW-1, as allowed under the DSCA Program's risk assessment guidance, the representative concentration is below the Tier 1 RBSL. Furthermore, the PCE concentrations in well MW-1 decreased to below Tier 1 RBSLs during all sampling events except the first sampling conducted shortly after the well was installed. ATC considers it likely that some residual PCE in the unsaturated zone may have been transported downward during drilling and caused the increased concentration during the initial sampling event. The subsequent sampling events for well MW-1

are considered more representative of actual groundwater concentrations and are below Tier 1 RBSLs. As such, ATC concludes that the plume is stable and unlikely to migrate beyond the downgradient property boundary.

Documentation of the plume stability evaluation is included in **Appendix A**, including a figure showing monitoring well locations, a table showing historical groundwater analytical data, a concentration versus time graph, and a concentration versus distance graph.

*Condition 2: The maximum concentration within the exposure domain for every complete exposure pathway of any COC is less than ten times the RC of that COC.*

ATC evaluated the RCs calculated during the Tier 1 and found that this condition has been met for all COCs and exposure pathways.

*Condition 3: Adequate assurance is provided that the land-use assumptions used in the DSCA Program's RBCA process are not violated for current or future conditions.*

LURs will be implemented for the site property to ensure the assumptions made in the Risk Assessment remain valid in the future. Refer to Section 6.0 for additional details regarding the proposed LURs for the site.

*Condition 4: There are no ecological concerns at the site.*

ATC completed a Level 1 Ecological Risk Assessment for the site in accordance with the DSCA Program's RBCA guidance. The results of the evaluation indicate that the release does not pose an unacceptable ecological risk. The completed Level 1 Ecological Risk Assessment Checklists A and B and associated attachments are included in **Appendix B**.

The site's compliance with the four above referenced conditions confirms that the contaminant concentrations are not likely to pose an unacceptable risk either at present or in the future. The plume is expected to naturally attenuate over time and the appropriate remedial action is to implement land-use restrictions on the site property.

## **5.0 DATA COLLECTED DURING RMP IMPLEMENTATION**

No further sampling or other data collection activities are proposed for the site. As such, this section is not applicable.

## **6.0 LAND-USE RESTRICTIONS (LURs)**

As discussed in detail in Section 3.0, the recommendation for closure in the Risk Assessment for the site was based on the following LUR assumptions:

- Land use on the site property will be limited to non-residential;
- No activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) will occur on the site property without prior approval of NCDENR; and
- Groundwater will not be utilized on the site property or the adjacent interstate off-ramp area.

LURs will be implemented for the site property to ensure that land-use conditions are maintained and monitored until the LURs are no longer required for the site. A Notice of Dry-Cleaning Solvent Remediation (NDCSR) was prepared for the site to comply with the LUR requirement. The NDCSR is included in *Appendix C*. A plat showing the locations and types of dry-cleaning solvent contamination on the property is included as an exhibit to the NDCSR. The locations of dry-cleaning solvent contamination are where contaminants have been detected above unrestrictive use standards.

## **7.0 LONG-TERM STEWARDSHIP PLAN**

The NDCSR contains a clause which requires that the owner of the site to submit notarized “Annual DSCA Land-Use Restrictions Certification” to NCDENR on an annual basis certifying that the NDCSR remains recorded with the Register of Deeds and that land-use conditions have

not changed. An example of such a notice is included in *Appendix D*. Documents relating to this site will be maintained by NCDENR and available for public access.

## **8.0 RMP IMPLEMENTATION SCHEDULE**

Since the contamination is stable and confined to the site property, and possible exposure to the contamination is managed through the NDCSRs and LURs, no additional site remediation activities are required to implement the RMP. A 30-day public comment period will be held to allow the community an opportunity to comment on the proposed strategy. *Appendix E* includes example documents used to announce the public comment period in the local newspaper and to inform local officials, nearby property owners, and interested parties. As such, upon completion of the public comment period and final approval of the RMP, the NDCSR will be filed with the Wake County Register of Deeds and will complete the RMP schedule.

## **9.0 CRITERIA FOR DEMONSTRATING RMP SUCCESS**

The RMP will be successfully implemented once the required LURs have been executed and recorded with the Wake County Register of Deeds. The NDCSR may, at the request of the owner of the property, be canceled by DENR after the risk to public health and the environment associated with the dry-cleaning solvent contamination and any other contaminants included in the dry-cleaning solvent assessment and remediation agreement has been eliminated as a result of remediation of the property. If DENR is notified of a change in site conditions, per the notification requirements detailed in the NDCSR, the RMP will be reviewed to determine if the site conditions have impacted the requirements set forth in the NDCSR and LURs and if changes are required. Enforcement of the RMP will be maintained through receipt of the “Annual DSCA Land-Use Restrictions Certification” from the property owner as part of the NDCSR and LUR requirements.

## **10.0 CONTINGENCY PLAN IF RMP FAILS**

As discussed above, unless the DSCA Program is notified of a change in land-use conditions at the site, per the notification requirements detailed in this plan, the RMP will remain in effect

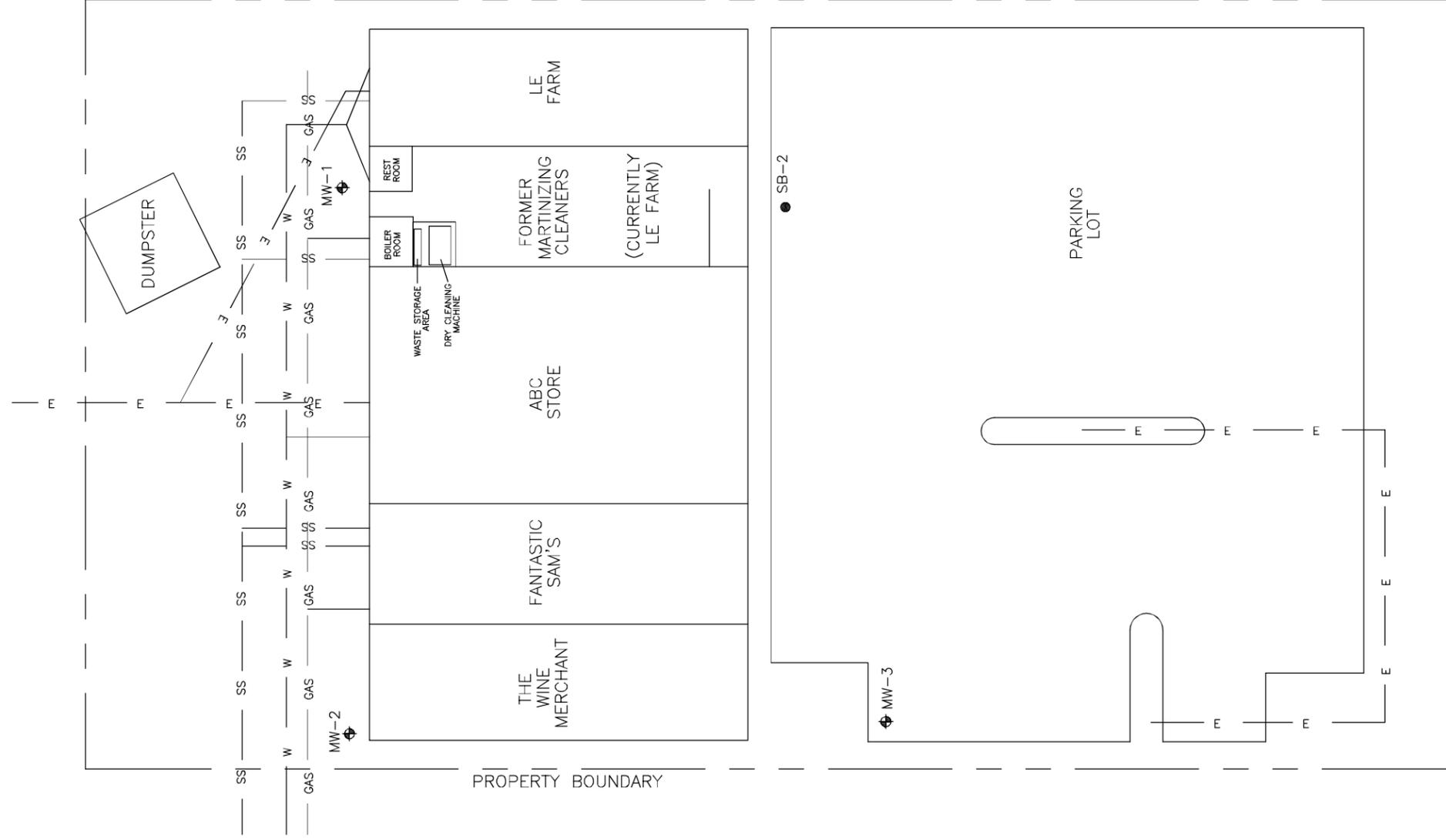
until the RMP has met its objectives and is considered a success. Pursuant to N.C.G.S. 143-215.104K, if any of the LURs set out in the NDCSR are violated, the owner of the site property at the time the LURs are violated, the owner's successors and assigns, and the owner's agents who direct or contract for alteration of the site in violation of the LURs, shall be held liable for the remediation of all contaminants to unrestricted use standards.

## **11.0 CONCLUSIONS AND RECOMMENDATIONS**

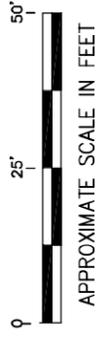
ATC has prepared this RMP for the Martinizing Cleaners site on behalf of the NC DSCA Program. The results of a previous Tier 1 Risk Assessment indicated that contaminant concentrations at the site do not pose an unacceptable risk. The contaminant plume associated with the site appears stable or decreasing. This RMP specifies that the NDCSR and LUR requirements provide notification that land-use conditions observed during the risk assessment evaluation remain valid in the future. Based on the documentation contained in this report, ATC recommends issuance of a "No Further Action" letter.

**APPENDIX A**

**DOCUMENTATION OF PLUME STABILITY EVALUATION**



- LEGEND**
- SS ——— = SANITARY SEWER LINE
  - E ——— = ELECTRICAL LINE
  - GAS ——— = NATURAL GAS LINE
  - W ——— = WATER LINE
  - ⊕ = MONITORING WELL LOCATION



NOTES:

TITLE **FIGURE 1**

SITE MAP  
 MARTINIZING CLEANERS  
 4246 NORTHWEST CARY PARKWAY  
 CARY, WAKE COUNTY, NORTH CAROLINA



Faleigh, North Carolina 27604 (919) 871-0999

CAD FILE

DSCA ID

92-0041

PREP. BY

LB

REV. BY

NS

SCALE

AS SHOWN

DATE

07-09-2009

PROJECT NO.

45.34341.9241

**Table 1: Analytical Data for Groundwater**

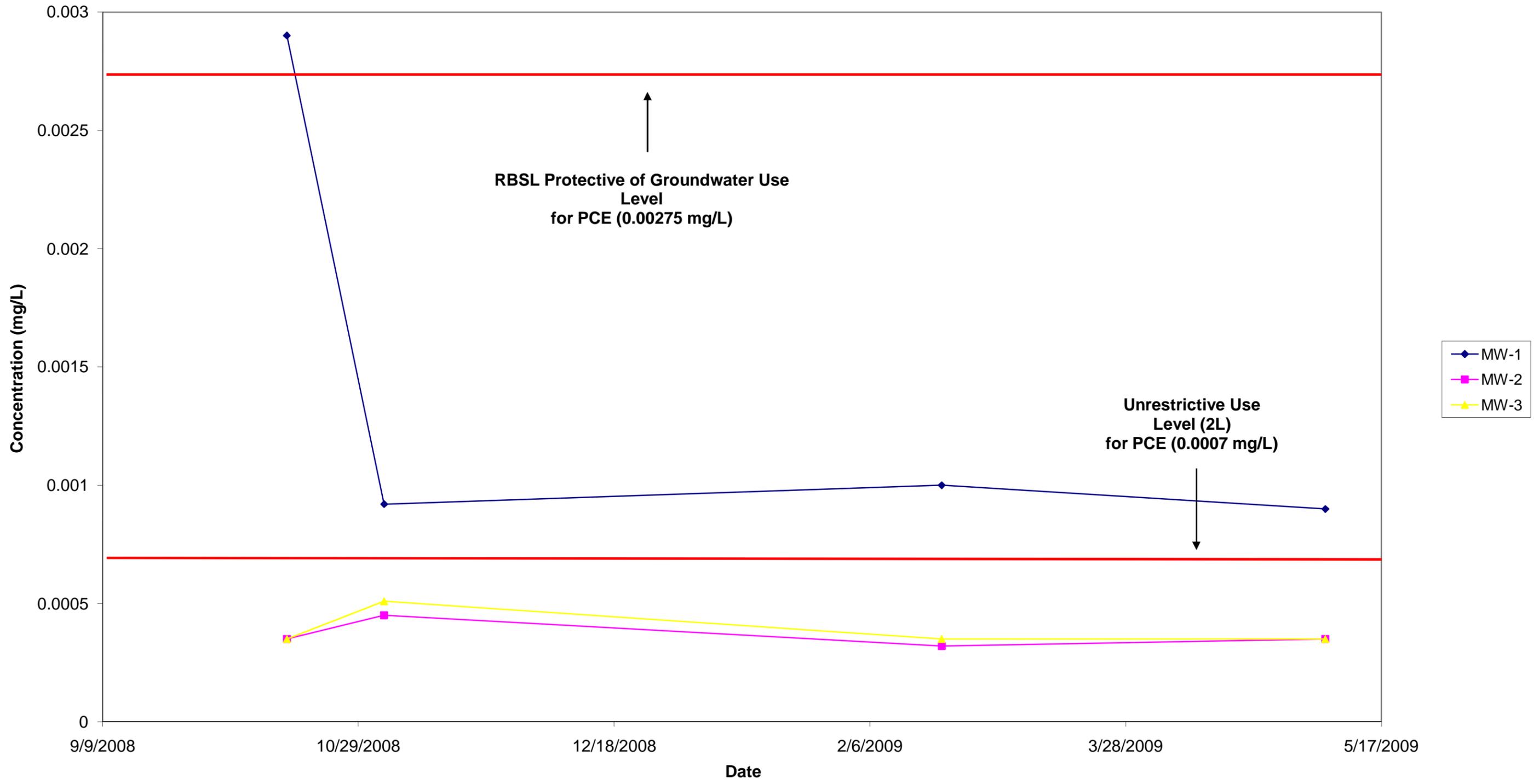
**DSCA ID No.: 92-0041**

Groundwater Sampling Point	Sampling Date (mm/dd/yy)	1,2-Dichloroethane (EDC)	Chloroform	cis-1,2-Dichloroethylene	Ethylbenzene	Naphthalene	Tetrachloroethylene	Trichloroethylene	Xylenes (total)	Acetone*	Chloromethane*	Methylene chloride*
		[mg/L]										
MW-1	10/15/08	0.00064 J	<0.005	0.0061	<0.005	<0.005	<b>0.0029</b>	0.002 J	<0.005	0.021 J	<0.005	<0.005
	11/3/08	<0.005	<0.005	0.0045 J	<0.005	0.0016 J	<b>0.00092</b>	0.0012 J	<0.005	0.0087 J	<0.005	<0.005
	2/20/09	<0.005	0.00029J	0.0025J	<0.005	0.00044J	<b>0.001</b>	0.0009J	0.00029J	0.052	<0.005	<0.005
	5/6/09	<0.005	<0.005	0.0013J	<0.005	<0.005	<b>0.0009</b>	0.0006J	<0.005	0.0088J	<0.005	<0.005
MW-2	11/3/08	<0.005	<0.005	0.0011 J	<0.005	0.00068 J	<0.0007	<0.005	<0.005	<0.01	<0.005	0.0024 J
	2/20/09	0.00035J	<0.005	<0.005	<0.005	0.00049J	0.00045J	<0.005	<0.005	<0.05	<0.005	<0.005
	5/6/09	<0.005	<0.005	<0.005	<0.005	<0.005	0.00032J	<0.005	<0.005	<0.05	<b>0.0066</b>	<0.005
MW-3	10/15/08	0.00058 J	0.00074 J	0.004 J	<0.005	<0.005	<0.0007	<0.005	<0.005	0.0072 J	0.0019 J	<0.005
	11/3/08	<0.005	0.0012 J	0.0015 J	<0.005	0.00066 J	0.00051 J	<0.005	<0.005	0.0087 J	<0.005	<0.005
	2/20/09	<0.005	0.00081J	<0.005	0.00027J	0.0014J	<0.0007	<0.005	0.00043J	<0.05	<0.005	<0.005
	5/6/09	<0.005	0.00077J	<0.005	<0.005	<0.005	<0.0007	<0.005	<0.005	<0.05	<b>0.0066</b>	<0.005
SB-2	9/5/08	<0.001	NA	<0.001	<0.001	NA	<0.0007	<0.001	<0.001	NA	NA	NA
NC 2L Standard		0.006	0.07	0.07	0.6	0.006	0.0007	0.003	0.5	6	0.003	0.005

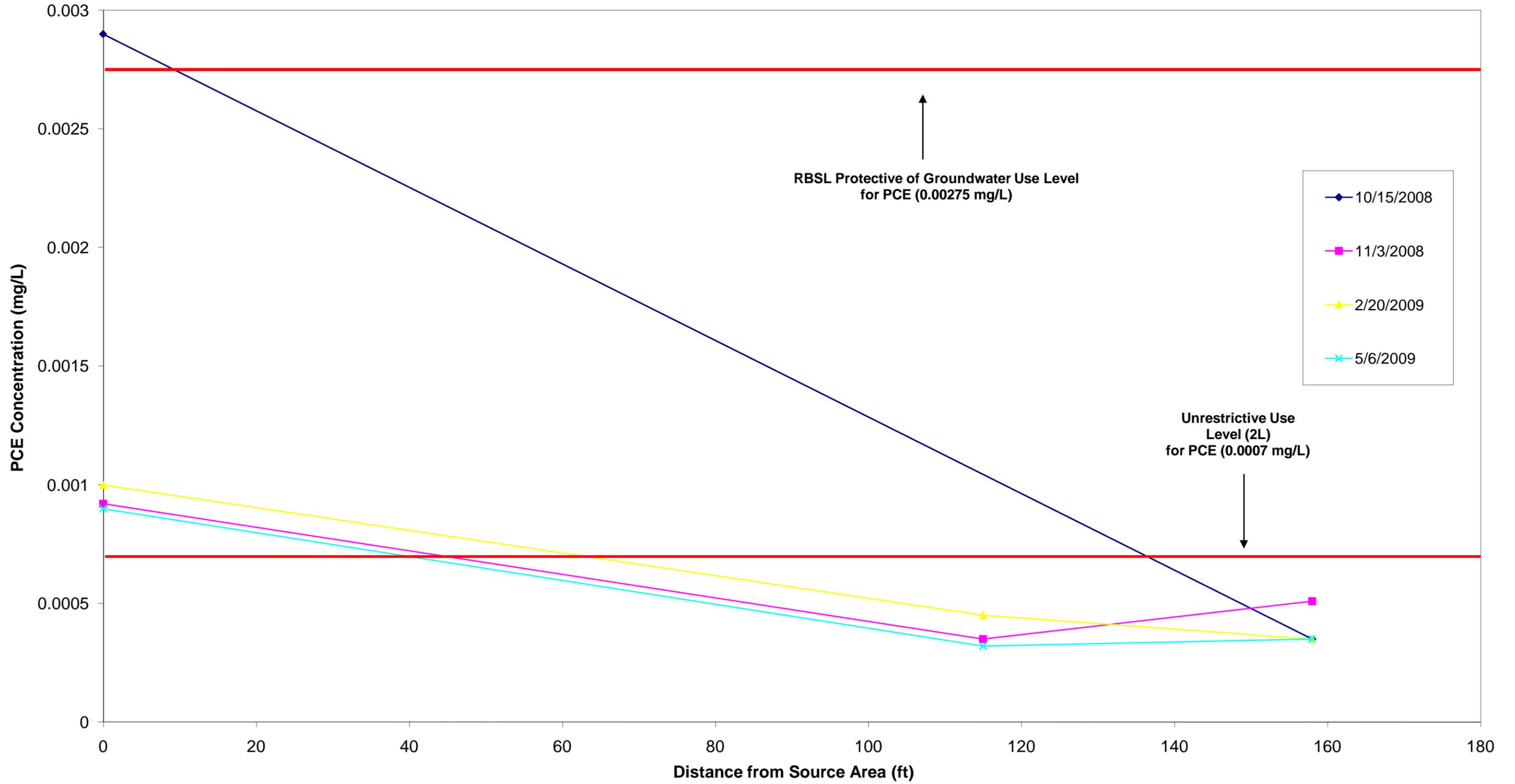
Note:

\* = These compounds are not chlorinated solvent constituents and are likely indicative of laboratory or sample contamination.

# PCE Concentration vs. Time



# PCE Concentration vs. Distance



**APPENDIX B**

**LEVEL 1 ECOLOGICAL RISK ASSESSMENT CHECKLISTS**

**Appendix B**  
**Ecological Risk Assessment – Level 1**  
**Martinizing Cleaners**  
4246 Northwest Cary Parkway  
Cary, Wake County, North Carolina  
ATC Project No: 45.34341.9241  
DSCA Site ID: 92-0041

**Checklist A**

1. Are there navigable water bodies or tributaries to a navigable water body on or within the one-half mile of the site?

Based on the Cary Quadrangle Topographic map and the United States Fish and Wildlife Service (USFWS), Crabtree Creek and three tributaries are located within one-half mile of the site. See the topographic map in **Attachment 1** and the USFWS Ecomap in **Attachment 2**.

2. Are there any water bodies anywhere on or within the one-half mile of the site?

Based on the Cary Quadrangle Topographic map and the USFWS, Crabtree Creek and three tributaries are located within one-half mile of the site.

3. Are there any wetland areas such as marshes or swamps on or within one-half mile of the site?

Based on the USFWS Ecomap, Crabtree Creek wetlands are located within one-half mile of the site.

4. Are there any sensitive environmental areas on or within one-half mile of the site?

Based on a review of the USFWS online database, no critical habitats or significant natural areas are located within one-half mile of the site. However, wetlands are located along Crabtree Creek within one-half mile of the site which is considered a sensitive environment.

5. Are there any areas on or within one-half mile of the site owned or used by local tribes?

Based on site observations and historical research, no tribal artifacts or lands have been identified on or within one-half mile of the site.

6. Are there any habitat, foraging area or refuge by rare, threatened, endangered, candidate and/or proposed species (plants or animals), or any otherwise protected species on or within one-half of the site?

Based on the USFWS online databases, there are no wilderness areas or wildlife refuges within one-half mile of the site.

7. Are there any breeding, roosting or feeding areas by migratory bird species on or within one-half of the site?

The Migratory Bird Treaty Act was developed to help reduce potential migratory bird strikes with aircraft, wind turbines and towers. Many species of birds are protected that are common to the United States, Canada, and Mexico. Therefore, many species of birds in Wake County (e.g., Bald Eagle, Canadian Goose, Mourning Dove) are likely to be within one-half mile of the site.

8. Are there any ecologically, recreationally, or commercially important species on or within one-half mile of the site?

Based on site observations and desktop review, the site is located in a suburban setting with mostly commercial, retail and residential properties surrounding the property. Therefore, it is unlikely that recreational or commercially important species are within one-half mile of the site. However, Crabtree Creek and associated wetlands are located within one-half mile of the site and it is likely that ecologically important species may exist within this sensitive environment.

9. Are there any threatened and/or endangered species (plant or animal) on or within one-half mile of the site?

ATC reviewed the USFWS online species list. The following species were identified within Wake County:

- *Picoides borealis* – Red-cockaded woodpecker: Endangered
- *Alasmidonta heterodon* – Dwarf wedgemussel: Endangered
- *Rhus michauxii* – Michaux's sumac: Endangered

ATC also reviewed the North Carolina Heritage Program online Cary Quadrangle species list. The following species were identified:

- *Fusconaia masoni* – Atlantic Pigtoe: Endangered
- *Lampsilis radiata* – Eastern Lampmussel: Threatened
- *Strphitus undulatus* – Creeper: Threatened
- *Haliaeetus leucocephalus* – Bald Eagle: Threatened

Based on the desktop review, it is unlikely that endangered or threatened species will be located within one-half mile of the site.

## Checklist B

1A. Can chemicals associated with the site leach, dissolve, or otherwise migrate to groundwater?

The primary constituent of concern is tetrachloroethylene (PCE). Based on published references (EPA, 2006), PCE is leachable to groundwater and is slightly soluble in groundwater. Furthermore, impacted groundwater has been confirmed at the site.

1B. Are chemicals associated with the site mobile in groundwater?

Chemical mobility is primarily influenced by the chemical solubility and soil-water partition coefficient. Based on these values, PCE is classified as moderately mobile (Fetter, 1988).

1C. Does groundwater from the site discharge to an ecological receptor habitat?

The primary ecological receptor habitats identified in the site vicinity are in an unnamed tributary to Crabtree Creek and associated wetlands located approximately 880 feet north-northeast of the site and an unnamed tributary to Crabtree Creek located 750 feet southwest of the site. The path of groundwater flow has not been fully assessed between the subject site and these surface water features. However, the plume has been fully defined and does not extend off the site property. As such, the impacted groundwater does not appear likely to discharge to these ecological receptor habitats.

### **1. Could chemicals associated with the site reach ecological receptors through groundwater?**

As discussed above, the plume is confined to the site property and does not appear likely to reach the nearest ecological receptor habitats.

2A. Are chemicals present in surface soils on the site?

Surficial soils have been impacted at the site. PCE has been detected at a concentration of 0.0679 milligrams per kilogram (mg/kg) in surficial soil.

2B. Can chemicals be leached from or be transported by erosion of surface soil on the site?

The surficial soils impacted at the site are located beneath the building and adjacent asphalt parking areas. As such, significant leaching or erosion of impacted surficial soils from the site does not appear likely.

### **2. Could chemicals associated with the site reach ecological receptors through runoff or erosion?**

Low concentrations of PCE have been identified in surficial soil, but the soil is located in an area with surface cover where runoff or erosion appears unlikely.

3A. Are chemicals present in the surface soil or on the surface of the ground?

Impacted surficial soils have been documented at the site.

3B. Are potential ecological receptors on the site.

Ecological receptors are unlikely to be present on the site property. The primary ecological receptors identified in the site vicinity are associated with surface water bodies located at least 750 feet from the site. Some bird and plant species were identified that may not be associated with surface water or wetland areas, but the site is an active shopping center so these species appear unlikely to be present on the site property.

**3. Could chemicals associated with the site reach ecological receptors through direct contact?**

Surficial impacted soil has been identified, but is located beneath the surface cover and adjacent to an active shopping center where ecological receptors are unlikely to be present.

4A. Are chemicals on the site volatile?

Chlorinated solvents are considered volatile organic compounds.

4B. Could chemicals on the site be transported in air as dust or particulate matter?

The area of surficial soil impact is covered by a building and adjacent paved parking areas. As such, erosion of soils from this area appears unlikely and contaminant concentrations sufficiently low such that significant volatilization is unlikely.

**4. Could chemicals associated with the site reach ecological receptors through inhalation of volatilized chemicals or adhered chemicals to dust in ambient air or in subsurface burrows?**

As discussed above, erosion of impacted soils or significant volatilization from impacted soils appears unlikely.

5A. Is Non-Aqueous Phase Liquid (NAPL) present at the site?

NAPL has not been encountered at the site.

5B. Is NAPL migrating?

NAPL has not been encountered at the site.

5C. Could NAPL discharge occur where ecological receptors are found?

NAPL has not been encountered at the site.

**5. Could chemicals associated with the site reach ecological receptors through migration of NAPL?**

NAPL has not been encountered at the site.

6A. Are chemicals present in surface and shallow subsurface soils or on the surface of the ground?

Impacted surficial soils have been documented at the site.

6B. Are chemicals found in the soil on the site taken up by plants growing on the site?

The area of surficial soil impact is covered by a building and adjacent paved parking areas, so plants are unlikely to be present.

6C. Do potential ecological receptors on or near the site feed on plants (e.g., grasses, shrubs, forbs, trees, etc.) found on the site?

The site is an active shopping center and significant ecological receptors are unlikely to be present for a significant time period.

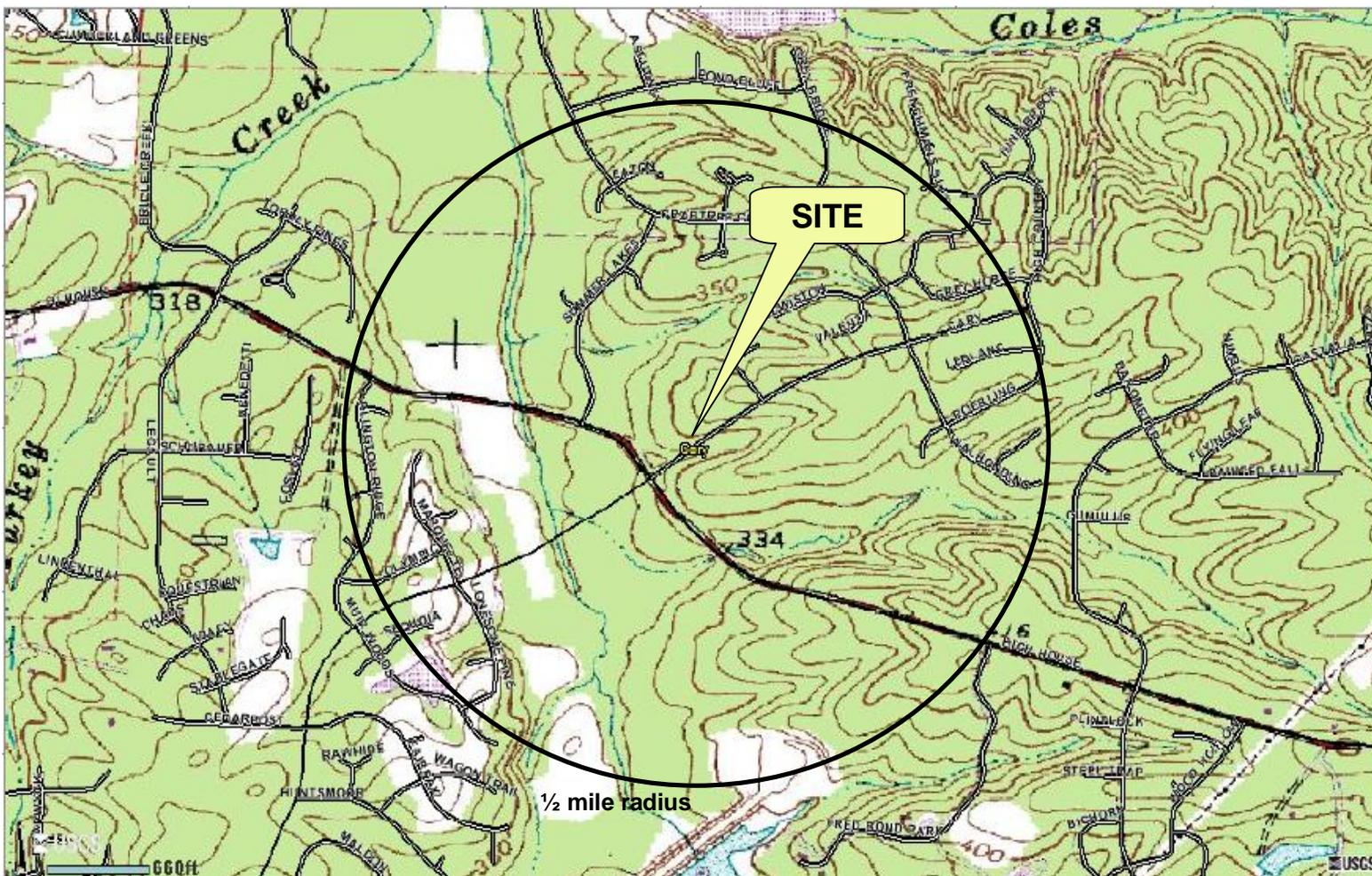
6D. Do chemicals found on the site bioaccumulate?

Based on published references (U.S. Agency for Toxic Substances and Disease Registry, 1997), PCE does not significantly bioaccumulate.

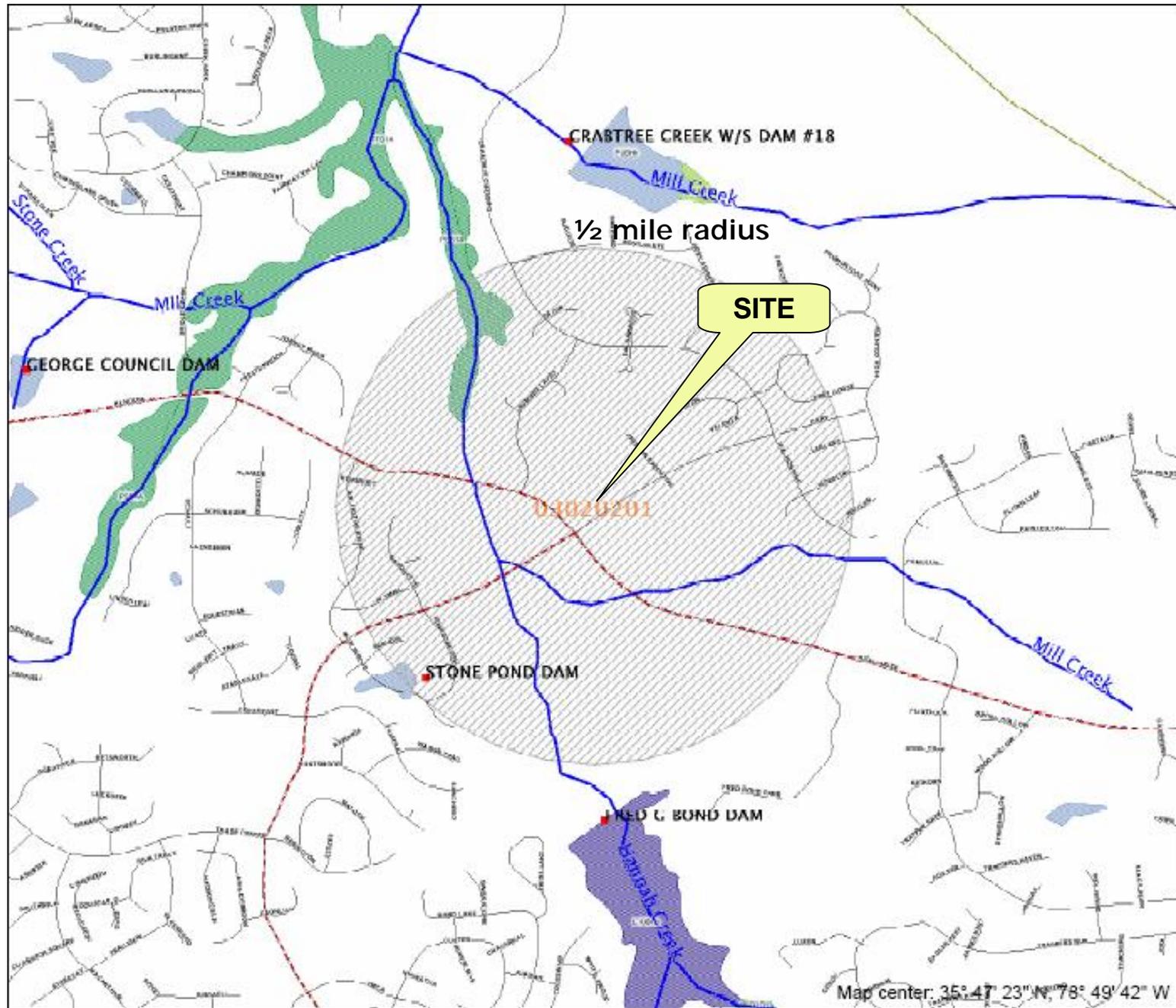
**6. Could chemicals associated with the site reach ecological receptors through direct ingestion of soil, plants, animals, or contaminants?**

Based on the low contaminant concentrations in surficial soils, presence of a building or pavement over the surficial impacted soils, commercial site environment, and absence of bioaccumulation for the chemicals of concern, it is not anticipated that chemicals associated with the site would reach ecological receptors through direct ingestion of soil, plants, animals, or contaminants.

Attachment 1: USGS Cary Quadrangle, Wake County, NC  
Source: National Map (DSCA Site 92-0041 Martinizing Cleaners)



Attachment 2: USGS Cary Quadrangle, Wake County, NC  
Source: US FWS EcoMap (DSCA Site: 92-0041 Martinizing Cleaners)



**APPENDIX C**

**NOTICE OF DRY-CLEANING SOLVENT REMEDIATION**

**NOTICE OF DRY-CLEANING SOLVENT REMEDIATION**

Property Owner: ABC Plaza Condominium  
Recorded in Book \_\_\_\_\_, Page \_\_\_\_\_  
Associated plat recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_

**This documentary component of a Notice of Dry-Cleaning Solvent Remediation (hereinafter “Notice”) is hereby recorded on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by ABC Plaza Condominium (hereinafter “Property Owner”). The survey plat component of the Notice is being recorded concurrently with this documentary component. The real property (hereinafter “Property”) which is the subject of this Notice is located at 4246 Northwest Cary Parkway, Cary, Wake County, North Carolina, Parcel Identification Number (PIN) 0754 12 1743.**

**The Property is contaminated with dry-cleaning solvent, as defined at North Carolina General Statutes (hereinafter “N.C.G.S.”), Section (hereinafter “§”) 143-215.104B(b)(9) and other contaminants. This Notice has been approved by the North Carolina Department of Environment and Natural Resources, or its successor in function (hereinafter “DENR”) under the authority of the Dry-Cleaning Solvent Cleanup Act of 1997, as amended, N.C.G.S. § 143-215.104A *et seq.* (hereinafter “DSCA”), and is required to be filed in the Register of Deeds' Office in the county or counties in which the land is located, pursuant to NCGS § 143-215.104M.**

Soil and groundwater at the Property are contaminated with dry-cleaning solvents associated with dry-cleaning operations at the former Martinizing Cleaners (DSCA Site 92-0041) located at 4246 Northwest Cary Parkway, in the ABC Plaza Shopping Center. Dry-cleaning operations were conducted on the Property from approximately 1995 to 2008.

Pursuant to N.C.G.S. § 143-215.104M, this Notice is being filed in order to reduce or eliminate the danger to public health or the environment posed by the Property. Attached hereto as **Exhibit A** is a reduction, to 8 1/2" x 11", of the survey plat component of the Notice required by N.C.G.S. § 143-215.104M. The survey plat has been prepared and certified by a professional

land surveyor and meets the requirements of G.S. 47-30, and contains the following information required by N.C.G.S. § 143-215.104M:

(1) A description of the location and dimensions of the areas of potential environmental concern with respect to permanently surveyed benchmarks; and

(2) The type, location and quantity of regulated dry-cleaning solvent contamination and other contaminants known to exist on the Property.

Attached hereto as **Exhibit B**, is a legal description of the Property that would be sufficient as a description in an instrument of conveyance.

Pursuant to NCGS § 143-215.104M, a certified copy of this Notice must be filed within 15 days of receipt of DENR's approval of the Notice or the effective date of the dry-cleaning solvent remediation agreement, whichever is later. Pursuant to NCGS § 143-215.104M, the copy of the Notice certified by DENR must be recorded in the grantor index under the names of the owners of the land.

### **LAND-USE RESTRICTIONS**

**NCGS § 143-215.104M requires that the Notice identify any restrictions on the current and future use of the Property that are necessary or useful to maintain the level of protection appropriate for the designated current or future use of the Property and that are designated in the dry-cleaning remediation agreement. The restrictions shall remain in force in perpetuity unless canceled by the Secretary of DENR, or his/her designee, after the hazards have been eliminated, pursuant to NCGS §143-215.104M. Those restrictions are hereby imposed on the Property, and are as follows:**

- 1. The Property shall be used exclusively for retail, commercial or industrial purposes and related amenities (parking, landscape areas and walkways), and all other uses of the Property are prohibited except as approved in writing by DENR.**
- 2. Without prior written approval from DENR, the Property shall not be used for:**
  - a. child care centers or schools; or**
  - b. mining or extraction of coal, oil, gas or any mineral or non-mineral substances.**
- 3. No activities that encounter, expose, remove or use groundwater (for example, installation of water supply wells, fountains, ponds, lakes or swimming pools that use groundwater, or construction or excavation activities that encounter or expose groundwater) may occur on the Property without prior approval of DENR.**
- 4. No activities that cause or create a vapor intrusion risk (for example, construction of sub-grade structures that encounter contaminated soil or construction that places building users in close proximity to contaminated groundwater) may occur on the Property without prior approval of DENR.**

5. **In January of each year, on or before January 31<sup>st</sup>, the owner of any portion of the Property shall submit a notarized Annual DSCA Land-Use Restrictions Certification to DENR certifying that this Notice remains recorded at the Register of Deeds' office, and that the Land-Use Restrictions are being complied with.**
6. **No person conducting environmental assessment or remediation at the Property or involved in determining compliance with applicable land-use restrictions, at the direction of, or pursuant to a permit or order issued by DENR may be denied access to the Property for the purpose of conducting such activities.**
7. **The owner of any portion of the Property shall cause the instrument of any sale, lease, grant, or other transfer of any interest in the property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this Notice. The failure to include such a provision shall not affect the validity or applicability of any land-use restriction in this Notice.**

#### **EASEMENT (RIGHT OF ENTRY)**

The property owner grants and conveys to DENR, its agents, contractors, and employees, and any person performing pollution remediation activities under the direction of DENR, access at reasonable times and under reasonable security requirements to the Property to determine and monitor compliance with the land-use restrictions set forth in this Notice. Such investigations and actions are necessary by DENR to ensure that use, occupancy, and activities of and at the Property are consistent with the land-use restrictions and to ensure that the structural integrity and continued effectiveness of any engineering controls (if appropriate) described in the Notice are maintained. Whenever possible, at least 48 hours advance notice will be given to the Property Owner prior to entry. Advance notice may not always be possible due to conditions such as response time to complaints and emergency situations.

#### **REPRESENTATIONS AND WARRANTIES**

The Property Owner hereby represents and warrants to the other signatories hereto:

- i) that the Property Owner is the sole owner of the Property; **or** that the Property Owner has provided to DENR the names of all other persons that own an interest in or hold an encumbrance on the Property and have notified such persons of the Property Owner's intention to enter into this Notice;
- ii) that the Property Owner has the power and authority to enter into this Notice, to grant the rights and interests herein provided and to carry out all obligations hereunder; and
- iii) that this Notice will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which the Property Owner is a party or by which the Property Owner may be bound or affected.

## **ENFORCEMENT**

The above land-use restrictions shall be enforceable without regard to lack of privity of estate or contract, lack of benefit to particular land, or lack of any property interest in particular land. The land-use restrictions shall be enforced by any owner of the Property. The land-use restrictions may also be enforced by DENR through the remedies provided in NCGS § 143-215.104P or by means of a civil action; by any unit of local government having jurisdiction over any part of the Property; and by any person eligible for liability protection under the DSCA who will lose liability protection if the restrictions are violated. Any attempt to cancel any or all of this Declaration without the approval of the Secretary of DENR (or its successor in function), or his/her delegate, shall be subject to enforcement by DENR to the full extent of the law. Failure by any party required-or authorized to enforce any of the above restrictions shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

If a land-use restriction set out in this Notice required under NCGS § 143-215.104.M is violated, the owner of the Property at the time the land-use restriction is violated, the owner's successors and assigns, and the owner's agents who direct or contract for alteration of the contamination site in violation of a land-use restriction shall be liable for remediation of all contaminants to unrestricted use standards.

## **FUTURE SALES, LEASES, CONVEYANCES AND TRANSFERS**

When any portion of the Property is sold, leased, conveyed or transferred, pursuant to NCGS § 143-215.104M the deed or other instrument of transfer shall contain in the description section, in no smaller type than that used in the body of the deed or instrument, a statement that the Property has been contaminated with dry-cleaning solvent and, if appropriate, cleaned up under the DSCA.

The Property Owner shall notify DENR at least fourteen (14) calendar days before the effective date of any conveyance, grant, gift, or other transfer, whole or in part, of the Owner's interest in the property, but such notification requirement does not apply with regard to the Property Owner's execution of a lease of any portion of the Property. This Notice shall include the name, business address and phone number of the transferee and the expected date of transfer.

**PROPERTY OWNER SIGNATURE**

IN WITNESS WHEREOF, Property Owner has caused this instrument to be duly executed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

ABC Plaza Condominium

By:

\_\_\_\_\_  
Name of contact

NORTH CAROLINA  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public of the county and state aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is a Member of ABC Plaza Condominium, a North Carolina limited liability corporation, and its Manager, and that by authority duly given and as the act of the company, the foregoing Notice of Dry-Cleaning Solvent Remediation was signed in its name by him.

WITNESS my hand and official stamp or seal, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name typed or printed  
Notary Public

My Commission expires: \_\_\_\_\_  
[Stamp/Seal]

**APPROVAL AND CERTIFICATION**

The foregoing Notice of Dry-Cleaning Solvent Remediation is hereby approved and certified.

North Carolina Department of Environment and Natural Resources

By: \_\_\_\_\_ Date \_\_\_\_\_  
Jack Butler, Chief  
Superfund Section  
Division of Waste Management

**LIMITED POWER OF ATTORNEY**

I \_\_\_\_\_ “Property Owner”, do hereby grant a limited power of attorney to DENR and to DENR’s independent contractors, as follows:

**DENR and DENR’s independent contractors shall have the limited power of attorney to record this Notice, including its documentary and survey plat components, in accordance with N.C.G.S. § 143-215.104M on my “Property Owner” behalf. This limited power of attorney shall terminate upon completion of the recordation of the Notice.**

Signature of Property Owner \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public, do hereby certify that \_\_\_\_\_ personally appeared before me this day and signed this “Limited Power of Attorney”.

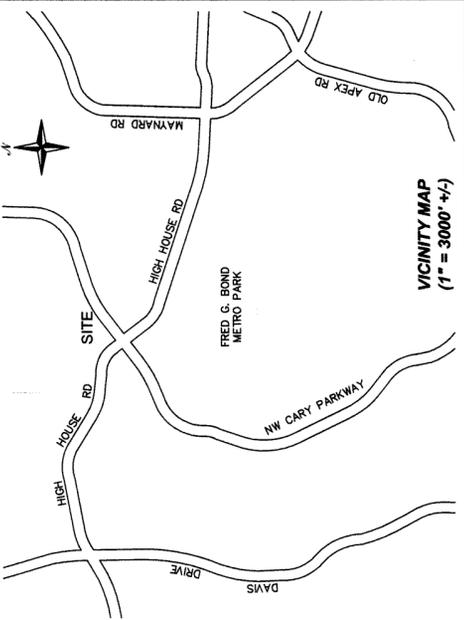
WITNESS my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name typed or printed  
Notary Public

My Commission expires: \_\_\_\_\_  
[Stamp/Seal]



**EXHIBIT A**  
**REDUCTION OF SURVEY PLAT**



VICINITY MAP  
(1" = 3000' +/-)

**LINE LEGEND**

- PL NOT SURVEYED
- - - EASEMENT
- WALL
- STORM DRAINAGE PIPE
- GRAVITY SEWER

**SYMBOL LEGEND**

- PROPERTY CORNER FOUND
- PROPERTY CORNER SET
- ⊙ DATUM CONTROL POINT
- ⊕ SIGN
- ⊖ CURB INLET
- ⊗ LIGHT POLE
- ⊘ SEWER MANHOLE
- ⊙ SEWER CLEANOUT
- ⊖ WATER VALVE
- ⊕ MAILBOX
- ⊖ MONITORING WELL
- ⊙ SOIL BORING

**REFERENCES:**  
 DB 6887 PG 915 (PRESTON CORNERS LLC)  
 DB 6848 PG 281 (DECLARATION OF CONDOMINIUM)  
 DB 6851 PG 464 (WAKE COUNTY BOARD OF ALCOHOLIC CONTROL)  
 DB 8036 PG 782 (DR. E. RUFFIN FRANKLIN, JR.)  
 DB 12732 PG 2471 (LA FARM - PRESTON CORNERS, LLC)  
 CM 1986 PG 164  
 CM 1984 PG 978  
 BM 1984 PG 240  
 BM 1987 PG 240  
 BM 1988 PG 1112

**CONDOMINIUM OWNERSHIP:**  
 UNITS "A", "B", & "D"  
 DR. E. RUFFIN FRANKLIN, JR.  
 DB 8036 PG 782  
 UNIT "C"  
 WAKE COUNTY BOARD OF ALCOHOLIC CONTROL  
 DB 6881 PG 464  
 UNIT "E"  
 DR. E. RUFFIN FRANKLIN, JR.  
 DB 12732 PG 2471

**ABBREVIATIONS:**  
 MW MONITORING WELL  
 CP CORNER FOUND  
 DB DEED BOOK  
 IPF IRON PIPE FOUND  
 IRF IRON ROD FOUND  
 IRSC IRON ROD SET WITH CAP  
 MW MONITORING WELL  
 NIF NOW OR FORMERLY  
 PG PAGE  
 RD ROAD  
 RCP REINFORCED CONCRETE PIPE

**WELL TABLE**

FEATURE DESIGNATION	NORTHING (FEET)	EASTING (FEET)	TOP CASE ELEVATION (FEET)	GROUND ELEVATION (FEET)
MW-1	742815.29	205114.61	357.02	357.36
MW-2	742750.75	2051025.97	352.04	352.30
MW-3	742850.03	205109.04	355.48	355.83

ACCORDING TO ATC ASSOCIATES OF RALEIGH, INC. GROUNDWATER IN WELL MW-1 EXCEEDED THE APPLICABLE 2L WATER QUALITY STANDARD (15A NCAC 2L 0200) FOR TETRACHLOROETHYLENE. SOIL IN BORINGS EXC1-E, EXC1-SA, AND SB-4 EXCEEDED THE ASSOCIATED RESIDENTIAL RISK BASED SCREENING LEVEL (15A NCAC 2S) FOR ONE OR MORE OF THE FOLLOWING CONTAMINANTS: TETRACHLOROETHYLENE AND TRICHLOROETHYLENE.

THE DOCUMENTARY COMPONENT OF THIS NOTICE OF DRY-CLEANING SOLVENT REMEDIATION, WHICH IDENTIFIES CONTROLS OR LIMITATIONS ON THE USE OF THIS PROPERTY, IS RECORDED AT: \_\_\_\_\_ PAGE \_\_\_\_\_

**OWNERS ACKNOWLEDGEMENT**

I ACKNOWLEDGE THAT I HAVE FULL AUTHORITY TO LEGALLY EXECUTE A DEED FOR THIS PROPERTY.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ A NOTARY PUBLIC OF SAID COUNTY AND STATE,

DO HEREBY CERTIFY THAT \_\_\_\_\_ DID PERSONALLY APPEAR AND SIGN BEFORE ME THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

NOTARY PUBLIC (SIGNATURE) \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

**SURVEY NOTES**

- THE PURPOSE OF THIS PLAT IS TO DISPLAY (1) THE LOCATIONS AND DIMENSIONS OF THE AREAS OF POTENTIAL ENVIRONMENTAL CONCERN WITH RESPECT TO SURVEYED BENCHMARKS AND (2) THE TYPE, LOCATION AND QUANTITY OF REGULATED SUBSTANCES AND CONTAMINANTS KNOWN TO EXIST ON THIS NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (NCDENR) DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM SITE. THIS MAP IS NOT INTENDED TO BE AN EVIDENCE SURVEY OF THE SUBJECT PROPERTY, NOT ALL PHYSICAL FEATURES ARE SHOWN.
- THE AREAS AND TYPES OF CONTAMINATION DEPICTED HEREON ARE APPROXIMATIONS DERIVED FROM THE BEST AVAILABLE INFORMATION AT THE TIME OF FILING. THIS INFORMATION WAS SUPPLIED TO TAYLOR WISEMAN & TAYLOR BY ATC ASSOCIATES OF NORTH CAROLINA, P.C. OF RALEIGH, NC.
- ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED, GROUND MGD 83 (NSRS2007) HORIZONTAL INFORMATION BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, UNLESS SPECIFICALLY NOTED AS "GRID". ELEVATIONS ARE REPORTED IN THE NAVD 83 (GEOID03) DATUM. THE COORDINATES FOR THE TWO SURVEY CONTROL POINTS SHOWN HEREON WERE ESTABLISHED UTILIZING A TRIMBLE R8 RECEIVER/CONTROLLER WITH THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). THE VRS SURVEY WAS PERFORMED ON MAY 14, 2009. CONTROL POINT #1 WAS HELD AS THE BASE POINT FOR THE SITE LOCALIZATION. ALL MEASUREMENTS SHOWN HEREON ARE REPORTED IN U.S. SURVEY FEET UNLESS NOTED OTHERWISE.
- PROPERTY OWNER INFORMATION WAS OBTAINED VIA THE WAKE COUNTY ONLINE GIS WEBSITE.
- PROPERTIES SHOWN HEREON ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD THAT WOULD BE REVEALED BY A THOROUGH TITLE SEARCH. THIS PLAT SHOULD NOT BE RELIED UPON AS A COMPLETE RECORD OF ALL EASEMENTS THAT MAY AFFECT THESE PROPERTIES.
- SOIL BORING LOCATIONS FOR EXC1-E, EXC1-SA, AND SB-4 HAVE BEEN SHOWN HEREON FROM A SURVEY CONDUCTED BY TAYLOR WISEMAN & TAYLOR BY ATC ASSOCIATES OF NORTH CAROLINA, P.C. OF RALEIGH, NC.

**SURVEY CONTROL / GRID TIE NOTES**

THE CONTROL LINE SHOWN HEREON WAS ESTABLISHED BY GPS SURVEY METHODOLOGIES USING THE NORTH CAROLINA GEODETIC SURVEYS (NCGS) VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). NO NCGS MONUMENT WAS FOUND WITHIN 2,000 FEET OF THE SITE. SURVEY METADATA IS AS FOLLOWS:

HORIZONTAL DATUM: NAD83 (NSRS2007) NC STATE PLANE COORDINATE SYSTEM  
 VERTICAL DATUM: NAVD83 (GEOID 09)  
 POINT OF LOCALIZATION: CONTROL POINT #1  
 COMBINED FACTOR: 0.999904885  
 DATE OF GPS SURVEY: 05/14/2009  
 GPS ANTENNA: TRIMBLE R8 (R85800)SPS78X INTERNAL (SERIAL # 4544100564)  
 GPS TECHNIQUE: REAL TIME KINEMATIC  
 FIXED (CORS) STATION HELD FOR THE SURVEY:  
 NAME: NCRD PID: DG4687  
 LATITUDE: 35°45'49.50814"N ELIPSOID HEIGHT: 51.815 m  
 LONGITUDE: 78°34'44.39531"W GEOID HEIGHT: -33.22 m  
 EPOCH DATE: 2002.00  
 ADJUSTMENT: SURVEY DATA WAS POST PROCESSED WITH TRIMBLE GEOMATICS OFFICE (TGO) USING A NETWORK LEAST SQUARES ADJUSTMENT AT THE 95% CONFIDENCE LEVEL.  
 CLASS OF SURVEY: CLASS "A"

**N.C.G.S. 143-215.104M(d) STATEMENT:**

N.C.G.S. 143-215.104M(d) REQUIRES THAT WHEN PROPERTY FOR WHICH A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION HAS BEEN FILED IS SOLD, LEASED, CONVEYED OR OTHERWISE TRANSFERRED, THE DEED TYPE THAT IS USED IN THE BODY OF THE DEED OR INSTRUMENT, A STATEMENT THAT THE PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT AND, IF APPROPRIATE, CLEANED UP UNDER THIS PART. USE THE FOLLOWING STATEMENT TO SATISFY N.C.G.S. 143-215.104M(d):

THIS PROPERTY HAS BEEN CONTAMINATED WITH DRY-CLEANING SOLVENT. A NOTICE OF DRY-CLEANING SOLVENT REMEDIATION IS RECORDED IN THE WAKE COUNTY REGISTER OF DEEDS OFFICE AT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_. QUESTIONS CONCERNING THIS MATTER MAY BE DIRECTED TO THE NORTH CAROLINA DIVISION OF WASTE MANAGEMENT, SUPERFUND SECTION, DRY-CLEANING SOLVENT CLEANUP ACT (DSCA) PROGRAM, OR ITS SUCCESSOR IN FUNCTION, 1646 MAIL SERVICE CENTER, RALEIGH, NC 27689-1646.

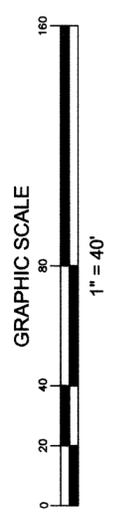
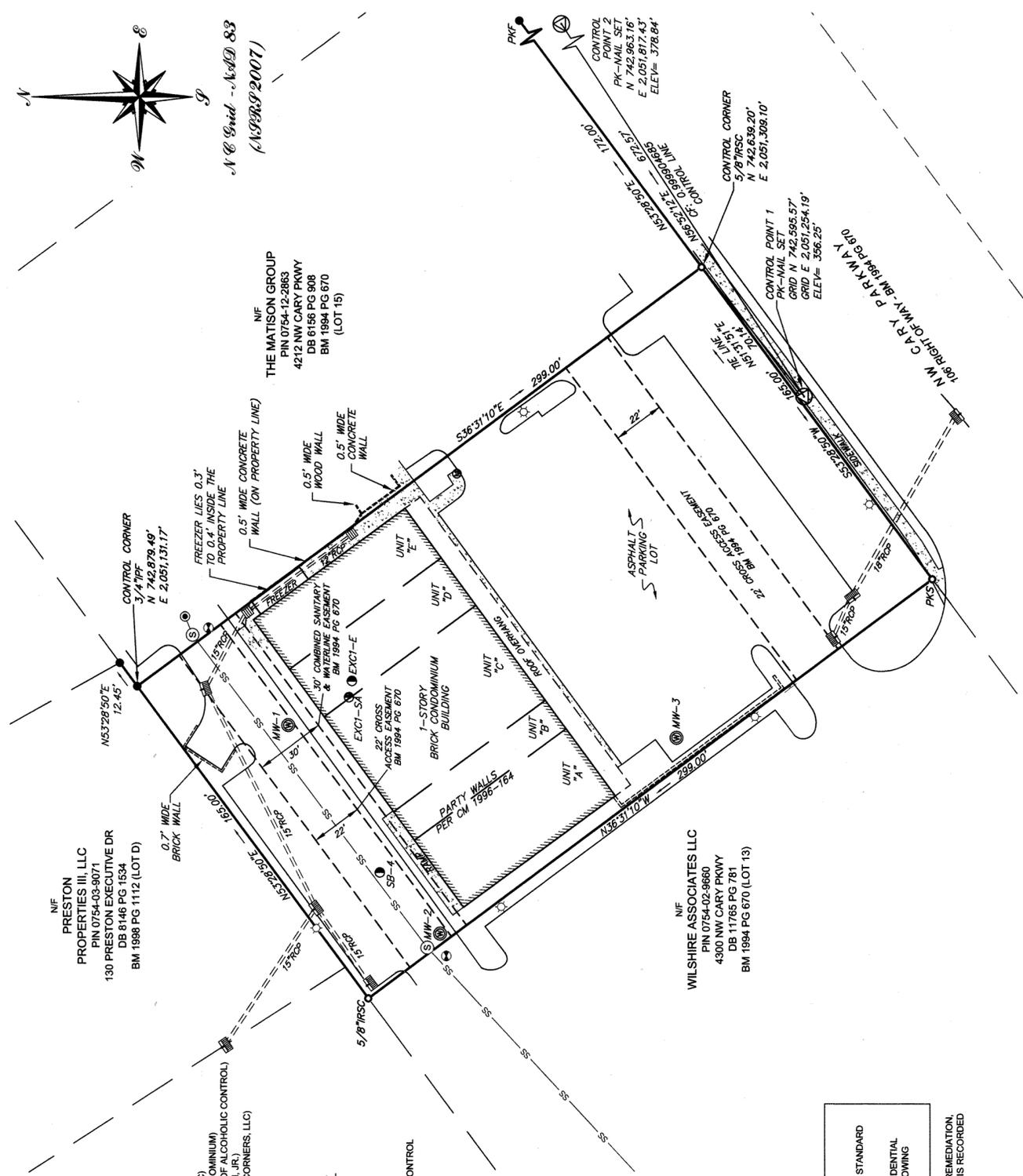
**APPROVED FOR THE PURPOSES OF N.C.G.S. 143-215.104M**

JACK BUTLER, PE  
 CHIEF, SUPERFUND SECTION  
 DIVISION OF WASTE MANAGEMENT

STATE OF NORTH CAROLINA COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ A NOTARY PUBLIC OF \_\_\_\_\_ COUNTY AND STATE OF NORTH CAROLINA DO HEREBY CERTIFY THAT \_\_\_\_\_ DID PERSONALLY APPEAR AND SIGN BEFORE ME THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

NOTARY PUBLIC (SIGNATURE) \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_



**SURVEY PLAT - EXHIBIT "A"**

TO THE NOTICE OF DRY-CLEANING SOLVENT REMEDIATION  
 OWNER: PRESTON CORNERS LIMITED LIABILITY COMPANY, ET AL

PIN# 0754-12-1743 / LOT 14 - BM 1994 PG 670  
 MARTINIZING CLEANERS - DSCA 92-0041  
 4246 NW CARY PARKWAY  
 CARY TOWNSHIP - WAKE COUNTY - CARY, NC

**TAYLOR WISEMAN & TAYLOR**  
 ENGINEERS & SURVEYORS & SCIENTISTS  
 SUBSURFACE UTILITY ENGINEERS  
 3600 REGENCY PARKWAY, SUITE 160, CARY, NC 27518  
 PHONE (919) 297-0085 FAX (919) 297-0080  
 NORTH CAROLINA LICENSE NUMBER F-0362

SCALE: 1" = 40' DATE OF SURVEY: MAY 14, 2009 FILE: 70657.6034.00  
 DRAWN BY: CTH CHECKED BY: RVB SHEET: 1/1

**SURVEYORS CERTIFICATE (G.S. 47-30)**

I, CHAD T. HOWARD, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DASHED LINES, DRAWN FROM INFORMATION RECEIVED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1:10,000;

THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE THE BOUNDARIES OF AN EXISTING STREET;

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 15th DAY OF FEBRUARY, IN THE YEAR OF OUR LORD 2011.

*Chad T. Howard* 2/15/11  
 CHAD T. HOWARD, P.L.S. N.C. REG. NO.: L-4220



**EXHIBIT B  
PROPERTY LEGAL DESCRIPTION**

**LYING AND BEING** in the Town of Cary, Wake County, North Carolina, in Preston Corners section of the Preston Planned Unit Development, and being more particularly described as follows:

**ALL OF** Lot 14 in Preston Corners, as said Lot is shown on a plat by Withers & Ravenel Engineering and Surveying, Inc., entitled "PLAT OF SURVEY FOR PORTIONS OF PARCELS PC-4H, PC-4I & PO-2 OF THE PRESTON PUD AS AMENDED", dated May 16, 1994, and recorded in the Wake County, North Carolina Registry in Book of Maps 1994, Page 670, said plat being incorporated by reference as if fully set out herein.

**APPENDIX D**

**EXAMPLE ANNUAL DSCA LAND-USE RESTRICTIONS CERTIFICATION**

**Site Name:** Former Martinizing Cleaners  
**Site Address:** 4246 Northwest Cary Parkway, Cary, Wake County, NC  
**DSCA ID No:** 92-0041

**ANNUAL CERTIFICATION of LAND-USE RESTRICTIONS**

Pursuant to Condition #5 in the Notice of Dry-Cleaning Solvent Remediation (Notice) signed by ABC Plaza Condominium and recorded in Deed Book \_\_\_, Page \_\_\_ on <date> at the Wake County Register of Deeds Office, ABC Plaza Condominium hereby certifies, as an owner of at least part of the property that is the subject of the Notice, that the Notice remains recorded at the Wake County Register of Deeds office and the land-use restrictions therein are being complied with.

Duly executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ABC Plaza Condominium

By: \_\_\_\_\_  
Name typed or printed:

NORTH CAROLINA  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public of the county and state aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is a Member of ABC Plaza Condominium, a North Carolina limited liability corporation, and its Manager, and that by authority duly given and as the act of the corporation, the foregoing certification was signed in its name by him/her.

WITNESS my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name typed or printed:  
Notary Public

My Commission expires: \_\_\_\_\_  
[Stamp/Seal]

**APPENDIX E**

**EXAMPLE DOCUMENTS ANNOUNCING THE PUBLIC COMMENT PERIOD**



North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

<name>, <City Manager/County Health Director>  
<address>  
<city>, NC <zip>

Subj: Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site #92-0041  
Former Martinizing Cleaners, 4246 Northwest Cary Parkway, Cary

Dear <name>:

The Dry-Cleaning Solvent Cleanup Act of 1997 (DSCA), North Carolina General Statutes (N.C.G.S.) Sections 143-215.104A through 143-215.104U, provides for the assessment and remediation of properties that may have been or were contaminated by chlorinated solvents. To satisfy the requirements of N.C.G.S. 143-215.104P, this letter serves as the **Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site** (NOI) approved by the North Carolina Department of Environment and Natural Resources (DENR).

The NOI must provide, to the extent known, a legal description of the location of the DSCA Site, a map showing the location of the DSCA Site, a description of the contaminants involved and their concentrations in the media of the DSCA Site, a description of the intended future use of the DSCA Site, any proposed investigation and remediation, and a proposed Notice of Dry-Cleaning Solvent Remediation (NDCSR) prepared in accordance with N.C.G.S. Section 143-215.104M. The required components of the NOI are included in the attached Risk Management Plan, and are available on our website at [www.ncdscs.org](http://www.ncdscs.org), under "Public Notices" during the public comment period.

The DSCA Program is providing a copy of the NOI to all local governments having jurisdiction over the DSCA Site. A 30-day public comment period is being held from <date>, until <date>. Written comments may be submitted to DENR no later than <date>. Written requests for a public meeting may be submitted to DENR no later than <date>. All such comments and requests should be sent to:

Al Chapman, DSCA Remediation Unit  
Division of Waste Management, NC DENR  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

Remediation of Dry-Cleaning Solvent Contamination  
DSCA Site #92-0041  
Former Martinizing Cleaners, 4246 Northwest Cary Parkway, Cary  
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<date>

A Summary of the NOI is being published in the Raleigh News & Observer, copies are being sent to owners of property within and contiguous with the area of contamination, and a copy of the Summary will be conspicuously posted at the Site during the public comment period.

If you have any questions, please feel free to contact me at (919)508-8580.

Sincerely,

Al Chapman, Project Manager  
DSCA Remediation Unit  
al.chapman@ncdenr.gov

Attachments: Risk Management Plan

Cc: DSCA Site #92-0041 File

**Public Notice**

**SUMMARY OF NOTICE OF INTENT TO REMEDIATE A DRY-CLEANING SOLVENT FACILITY OR ABANDONED SITE**

Former Martinizing Cleaners  
DSCA Site #92-0041

Pursuant to N.C.G.S. §143-215.104L, on behalf of Moorco Inc., the North Carolina Department of Environment and Natural Resources' (DENR's) private contractor has prepared a Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site (NOI). The purpose of this Summary of the NOI is to notify the community of the proposed remedy for the contamination site and invite comment on the proposed remedy.

Martinizing Cleaners formerly conducted dry-cleaning operations at the ABC Plaza shopping center at 4246 Northwest Cary Parkway, in Cary, North Carolina. The property is currently occupied by the Le Farm Bakery. Dry-cleaning solvent contamination in soil and ground water has been identified at the following parcel(s):

4246 Northwest Cary Parkway, in Cary; Parcel No. 0754-12-1743

An investigation of the extent of contamination has been completed. A risk assessment of the contaminated property concluded that the contamination poses no unacceptable risks at the Le Farm Bakery. A Risk Management Plan has been prepared which proposes using land-use controls to prevent current and future risks at the affected property.

The elements of the complete NOI are included in the Risk Management Plan (RMP) which is available online at [www.ncdsca.org](http://www.ncdsca.org), under "Public Notices".

***The public comment period begins \_\_\_\_\_, 20\_\_, and ends \_\_\_\_\_, 20\_\_.***

Comments must be in writing and submitted to DENR no later than \_\_\_\_\_, 20\_\_. Written requests for a public meeting may be submitted to DENR no later than \_\_\_\_\_, 20\_\_. Requests for additional information should be directed to Al Chapman at (919)508-8580. All comments and requests should be sent to:

Al Chapman, DSCA Remediation Unit  
Division of Waste Management, NC DENR  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646



North Carolina Department of Environment and Natural Resources  
Division of Waste Management

Beverly Eaves Perdue  
Governor

Dexter R. Matthews  
Director

Dee Freeman  
Secretary

<Date>

<property owner>  
<address>  
<city, state, zip>

Subj: Dry-Cleaning Solvent Contamination  
4246 Northwest Cary Parkway, Cary, NC

Dear <property owner>:

The Dry-Cleaning Solvent Clean-up Act (DSCA) Program has completed an assessment of the dry-cleaning solvent contamination associated with the former Martinizing Cleaners at 4246 Northwest Cary Parkway in Cary. The property is currently occupied by the Le Farm Bakery. The DSCA Program has prepared a remedial strategy to address the site contamination, and in accordance with our program's statutes, the community has an opportunity to review and comment on the proposed strategy. You are receiving this letter because your property is adjacent to the area contaminated with dry-cleaning solvents.

The attached Summary of the Notice of Intent to Remediate a Dry-Cleaning Solvent Facility or Abandoned Site (NOI) provides a brief description of the proposed remedy, a web link to the complete NOI, and the dates and procedures for commenting on the proposed remedy. If you do not have access to the internet, we ask that you contact us to request a hard copy of the complete NOI.

If you have questions, please contact me at (919) 508-8580, or Pete Doorn at (919) 508-8578.

Sincerely,

Al Chapman, Project Manager  
DSCA Remediation Unit  
[al.chapman@ncdenr.gov](mailto:al.chapman@ncdenr.gov)

Attachments: Summary of the NOI

Cc: DSCA Site #92-0041 File